




SO ORDERED.

SIGNED this 22 day of December, 2014.



John T. Laney, III
Chief United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

In re:	§	
	§	
Mary Ann Boden,	§	BANKRUPTCY
Debtor	§	CASE NO. 13-40327-JTL
Select Portfolio Servicing, Inc. as	§	
servicer for EquiCredit Corporation of	§	
America,	§	
Movant	§	JUDGE JOHN T. LANEY, III
v.	§	
Mary Ann Boden,	§	CHAPTER 13
Debtor	§	
Kristin Hurst,	§	
Trustee	§	
Respondents	§	

CONSENT ORDER

On June 16, 2014, Select Portfolio Servicing, Inc. as servicer for EquiCredit Corporation of America, (“Movant”) filed a “Motion for Relief from Stay” with respect to the real property known as 1056 Bolton Avenue, Columbus, GA 31906 (“Property”) (Doc. No. 13) (“Motion”). The Motion was rescheduled for hearing November 21, 2014;

however, the parties agreed to the terms of this Consent Order. The undersigned parties stipulate and agree as follows:

As of the date of hearing set for this Motion, Debtor was delinquent for July 1, 2014 through October 1, 2014 mortgage payments of \$ 548.21 each; November 1, 2014 mortgage payment of \$711.97; and Movant's costs and attorney fees of \$726.00; for a total arrearage of \$3,630.81. Movant and Debtor agree that Debtor will provide adequate protection to Movant, in the absence of which Movant claims its interest in the Property would not be adequately protected. Debtor has \$218.38 in Movant's suspense account, maintained on Debtor's behalf, to be applied.

Pursuant to the foregoing stipulation, the parties agree that:

1. Debtor shall remit *instantly* \$0.00 at the following address: Select Portfolio Servicing, Inc., P.O. Box 65450, Salt Lake City, UT 84165;
2. Movant shall be allowed to file an amended proof of claim to include its costs and attorney fees in the amount of \$726.00 for payment under the plan;
3. On December 1, 2014, and continuing on the 1st day of each month thereafter, Debtor shall pay Movant the current, regular monthly mortgage payment. In addition, Debtor shall cure the remaining arrearage of \$2,686.43 in nine (9) equal installments of \$298.50 each, beginning December 15, 2014, and continuing each successive month thereafter until paid in full, at the address set forth above;

4. Upon delinquency by Debtor either in the payment of any sum specified herein or in any regular monthly mortgage payments, taxes or insurance as required by Movant's Note and Security Deed, for a period of one (1) year from the date of entry of this order, Movant may be permitted to recover and dispose of the Property pursuant to applicable Georgia law only after submitting a Delinquency Motion (as more particularly described below) and the entry of an order modifying the automatic stay of 11 U.S.C. §362 as follows:

A. Counsel for Movant shall serve both Debtor and Debtor's counsel of record with written notice of the specific facts of the delinquency (the "Delinquency Notice"); said Notice may be contained in a letter but shall:

1. state that Debtor may cure the delinquency within fifteen (15) days of receipt of notice, and
2. shall specifically provide the correct street address for mailing or delivering such payment.

Pursuant to this Order, Debtors shall be presumed to have received the Delinquency Notice on the fifth (5th) calendar day following the mailing of said notice by Counsel for Movant; provided however, that

- a. the Delinquency Notice is properly addressed to Debtor and Debtor's attorney at the addresses set forth

on the Distribution List attached to this Order pursuant to BLR 9013-3 NDGA, unless Movant or Counsel for Movant receives notice in writing of a change in Debtor's address within a reasonable time prior to mailing of the Delinquency Notice; and

- b. the Delinquency Notice is not returned to Counsel for Movant by the U.S. Postal Service as undeliverable by reason on improper address

B. If Debtor fails to cure the delinquency within fifteen (15) days of receipt of said written notice, Counsel for Movant may present to the Court, after service on Debtor, Debtor's counsel, and the Chapter 13 Trustee (the "Trustee"):

1. a **motion**, which contains allegations of the specific facts of the delinquency; provided, however, that, instead of alleging the facts of the delinquency in the motion (the averments of which are subject to Rule 9011), the motion may be accompanied by an affidavit from Movant setting forth the specific facts of the delinquency;
2. a copy of the **Delinquency Notice**;
3. a **proposed order** (the motion, copy of the Delinquency Notice and the proposed order are herein collectively referred to as the "**Delinquency Motion**").

Upon presentation of said Delinquency Motion the Court may enter an Order modifying the stay as to the Property, without further notice of hearing.

Upon the completion of any foreclosure sale, any funds in excess of the lawful claim of Movant under its Note and Security Deed shall be promptly remitted to Trustee herein for the benefit of the Estate.

Accordingly, it is hereby

ORDERED that the agreement of the parties is *approved*.

[END OF DOCUMENT]

Submitted by:

/s/ Richard B. Maner

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Consented to:

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No opposition:

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DISTRIBUTION LIST

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